

Message Text

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FM AMEMBASSY MEXICO

TO SECSTATE WASHDC 1994

UNCLAS MEXICO 11285

E.O. 11652: N/A

TAGS: CASC, MX

SUBJ: CASE REVIEW OF ALL AMERICAN PRISONERS IN MEXICO: MESSINA,
RICHARD (DIEGO)

REF: STATE 194199

1. DENIAL OF CONSULAR ACCESS: PER STARK MATERIAL, MESSINA STATES HE WAS NOT ALLOWED TO CALL EMBASSY AT TIME OF ARREST, NOVEMBER 8, 1973, AND WAS NOT VISITED BY CONOFF UNTIL SEVEN MONTHS LATER. POST FILES INDICATE EMBASSY WAS NOT AWARE OF MESSINA'S ARREST UNTIL ALERTED BY NEW YORK POLICE DEPARTMENT AND FBI IN FEBRUARY 1974 THAT RICHARD MESSINA, WANTED IN NEW YORK, WAS BELIEVED TO BE IN PRISON IN MEXICO CITY. ON FOLLOWING CONOFF VISIT 4/17/74, CONOFF IDENTIFIED MESSINA, WHO GAVE ONLY HIS NAME AND FACT HE WAS ARRESTED ON DRUG CHARGES, REFUSED ALL OTHER INFORMATION. POST FILES SHOW PRISON WAS VISITED ON AT LEAST FOUR OCCASIONS BETWEEN MESSINA ARREST AND FIRST CONTACT, SEE MEXICO 1718 DATED FEBRUARY 26, 1975.

2. MISTREATMENT AT TIME OF ARREST: IN STARK MATERIAL, MESSINA ALLEGES BEATING AND CATTLE-PRODDING TO FORCE HIM TO SIGN FALSE CONFESSION. HE DID NOT MAKE THIS COMPLAINT TO CONOFF WHEN LATTER FINALLY DISCOVERED HE WAS IN PRISON, OR THEREAFTER. THERE APPEARS TO BE NO BASIS FOR PROTEST AT THIS LATE DATE.

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3. CONSULAR VISITATION: PER STARK MATERIAL, MESSINA

ALLEGES HE WAS VISITED ONLY ONCE IN ELEVEN MONTHS. EMBASSY RECORDS SHOW PRISON WAS VISITED AT LEAST TWICE MONTHLY BETWEEN APRIL 1974 TO PRESENT. MESSINA TWICE REFUSED CONOFF REQUEST FOR INTERVIEW AND ON OTHER OCCASIONS DID NOT APPEAR.

4. POLONGED DETENTION: PER STARK MATERIAL AND POST FILES, MESSINA HAS BEEN DETAINED MORE THAN TWO YEARS AND HAS NOT YET BEEN SENTENCED. EMBASSY WILL ATTEMPT TO OBTAIN SUBJECT'S PERMISSION TO REQUEST INFORMATION ON STATUS OF CASE FROM JUDGE.

5. POSSIBLE EXTORTION BY ATTORNEY: PER STARK MATERIAL, MESSINA'S WIFE STATES THAT \$10,000 WAS PAID FOR FIRST ATTORNEY, PABLO GOMEZ SOTOMAYOR, WHO TOOK MONEY AND THEN DISAPPEARED. IN SAME MATERIAL, MESSINA INDICATES SOTOMAYOR WAS GOING TO BRIBE JUDGE. UNDER THESE CIRCUMSTANCES IT IS UNLIKELY THAT HE COULD MAKE CASE AGAINST SOTOMAYOR.

6. VIOLATION OF RIGHTS: IN STARK MATERIAL, MESSINA LISTS NUMEROUS VIOLATIONS OF HIS RIGHTS UNDER MEXICAN CONSTITUTION. IN MOST CASES, HE DOES NOT MAKE IT CLEAR HOW HE PERSONALLY WAS AFFECTED, MERELY CITIES CONSTITUTIONAL PROVISIONS. IN OTHER CASES, HE CITES VIOLATIONS WHICH EMBASSY HAS PROTESTED MANY TIMES ON GENERAL OR SPECIFIC BASIS.

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